

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-0562-AIR-E TCEQ ID: RN102561925 CASE NO.: 33128
RESPONDENT NAME: The Goodyear Tire & Rubber Company

Page 1 of 2

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Goodyear Tire & Rubber Beaumont Chemical Plant, 11241 Interstate Highway 10, Beaumont, Jefferson County</p> <p>TYPE OF OPERATION: Rubber manufacturing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on September 10, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Daniel Siringi, Enforcement Division, Enforcement Team 5, R-10, (409) 899-8799; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468 Respondent: Mr. Bradley Ioerger, Plant Manager, The Goodyear Tire & Rubber Company, P.O. Box 26003, Beaumont, Texas 77720 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: March 12, 2007</p> <p>Date of NOE Relating to this Case: March 26, 2007 (NOE)</p> <p>Background Facts: This was a routine investigation. One violation was documented.</p> <p>AIR</p> <p>Failure to prevent unauthorized emissions of 165.48 pounds (lbs) of Volatile Organic Compounds (VOCs) during a four hour twenty minute emissions event which occurred at the 830 Boiler House Process Fugitives ditch on June 9, 2006. Since the emissions event was avoidable, Goodyear failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c), 122.143(4), Federal Operating Permit ("FOP") No. 1593, General Terms and Conditions and Special Terms and Condition 12, Air Permit No. 22110, Special Condition 1 and TEXAS HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$6,450</p> <p>Total Deferred: \$1,290 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$5,160</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, implement measures designed to prevent the recurrence of an emissions event due to causes the same as those associated with the June 9, 2006 event; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification including detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision March 19, 2007

TCEQ

DATES	Assigned	2-Apr-2007	Screening	4-Apr-2007	EPA Due	29-Dec-2007
	PCW	12-Apr-2007				

RESPONDENT/FACILITY INFORMATION

Respondent	The Goodyear Tire & Rubber Company		
Reg. Ent. Ref. No.	RN102561925		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	33128	No. of Violations	1	
Docket No.	2007-0562-AIR-E	Order Type	1660	
Media Program(s)	Air	Enf. Coordinator	Daniel Siringi	
Multi-Media		EC's Team	EnforcementTeam 6	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$2,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **158% Enhancement** **Subtotals 2, 3, & 7** **\$3,950**

Notes Enhancement for two (2) NOV's with same or similar violations, fourteen (14) NOV's without same or similar violations, including nine (9) self-reported effluent violations and six (6) 1660 orders in the past five years at this plant.

Culpability **No** **0% Enhancement** **Subtotal 4** **\$0**

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply **0% Reduction** **Subtotal 5** **\$0**

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria.

Total EB Amounts	\$164
Approx. Cost of Compliance	\$2,500

0% Enhancement* **Subtotal 6** **\$0**
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$6,450**

OTHER FACTORS AS JUSTICE MAY REQUIRE

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount **\$6,450**

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty **\$6,450**

DEFERRAL

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$5,160

Screening Date 4-Apr-2007

Docket No. 2007-0562-AIR-E

PCW

Respondent The Goodyear Tire & Rubber Company

Policy Revision 2 (September 2002)

Case ID No. 33128

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN102561925

Media [Statute] Air

Enf. Coordinator Daniel Siringi

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	2	10%
	Other written NOVs	14	28%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	6	120%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 158%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two (2) NOVs with same or similar violations, fourteen (14) NOVs without same or similar violations, including nine (9) self-reported effluent violations and six (6) 1660 orders in the past five years at this plant.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 158%

Screening Date 4-Apr-2007

Docket No. 2007-0562-AIR-E

PCW

Respondent The Goodyear Tire & Rubber Company

Policy Revision 2 (September 2002)

Case ID No. 33128

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN102561925

Media [Statute] Air

Enf. Coordinator Daniel Siringi

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c), 122.143(4), Federal Operating Permit ("FOP") No. 1593, General Terms and Conditions and Special Terms and Condition 12, Air Permit No. 22110, Special Condition 1 and Texas Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions of 165.48 pounds (lbs) of Volatile Organic Compounds (VOCs) during a four hour twenty minute emissions event which occurred at the 830 Boiler House Process Fugitives ditch on June 9, 2006. Since the emissions event was avoidable, Goodyear failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$164

Violation Final Penalty Total \$6,450

This violation Final Assessed Penalty (adjusted for limits) \$6,450

Economic Benefit Worksheet

Respondent The Goodyear Tire & Rubber Company

Case ID No. 33128

Reg. Ent. Reference No. RN102561925

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$2,500	9-Jun-2006	30-Sep-2007	1.3	\$164	n/a	\$164

Notes for DELAYED costs

Estimated cost of maintaining tubes in the 830 Boiler House Process Fugitive ditch. Date required is the first emissions event related to 830 Boiler House Process Fugitives ditch and final date is the date Goodyear is expected to complete all corrective actions.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$164

Compliance History

Customer/Respondent/Owner-Operator:	CN600616049	The Goodyear Tire & Rubber Company	Classification: AVERAGE	Rating: 3.24
Regulated Entity:	RN102561925	GOODYEAR TIRE & RUBBER BEAUMONT CHEMICAL PLANT	Classification: AVERAGE	Site Rating: 10.56
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008077190	
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30012	
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50379	
	AIR NEW SOURCE PERMITS	PERMIT	3522	
	AIR NEW SOURCE PERMITS	PERMIT	7858	
	AIR NEW SOURCE PERMITS	PERMIT	9481	
	AIR NEW SOURCE PERMITS	PERMIT	15198	
	AIR NEW SOURCE PERMITS	PERMIT	15501	
	AIR NEW SOURCE PERMITS	PERMIT	16052	
	AIR NEW SOURCE PERMITS	PERMIT	20040	
	AIR NEW SOURCE PERMITS	PERMIT	22110	
	AIR NEW SOURCE PERMITS	PERMIT	32349	
	AIR NEW SOURCE PERMITS	PERMIT	35402	
	AIR NEW SOURCE PERMITS	PERMIT	38755	
	AIR NEW SOURCE PERMITS	PERMIT	39089	
	AIR NEW SOURCE PERMITS	PERMIT	44284	
	AIR NEW SOURCE PERMITS	PERMIT	45078	
	AIR NEW SOURCE PERMITS	PERMIT	47289	
	AIR NEW SOURCE PERMITS	PERMIT	48286	
	AIR NEW SOURCE PERMITS	PERMIT	49684	
	AIR NEW SOURCE PERMITS	PERMIT	49769	
	AIR NEW SOURCE PERMITS	PERMIT	50166	
	AIR NEW SOURCE PERMITS	PERMIT	50108	
	AIR NEW SOURCE PERMITS	PERMIT	50257	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0039N	
	AIR NEW SOURCE PERMITS	PERMIT	51694	
	AIR NEW SOURCE PERMITS	PERMIT	53698	
	AIR NEW SOURCE PERMITS	REGISTRATION	72103	
	AIR NEW SOURCE PERMITS	PERMIT	55427	
	AIR NEW SOURCE PERMITS	REGISTRATION	75848	
	AIR NEW SOURCE PERMITS	AFS NUM	4824500016	
	AIR NEW SOURCE PERMITS	REGISTRATION	56840	
	AIR NEW SOURCE PERMITS	REGISTRATION	70115	
	AIR NEW SOURCE PERMITS	REGISTRATION	70230	
	AIR NEW SOURCE PERMITS	PERMIT	70645	
	AIR NEW SOURCE PERMITS	REGISTRATION	70684	
	AIR NEW SOURCE PERMITS	PERMIT	56478	
	AIR NEW SOURCE PERMITS	PERMIT	52770	
	AIR NEW SOURCE PERMITS	PERMIT	52447	
	AIR NEW SOURCE PERMITS	PERMIT	50664	
	AIR NEW SOURCE PERMITS	PERMIT	53063	
	AIR NEW SOURCE PERMITS	PERMIT	53364	
	AIR NEW SOURCE PERMITS	PERMIT	53791	
	AIR NEW SOURCE PERMITS	PERMIT	53766	
	AIR NEW SOURCE PERMITS	REGISTRATION	73651	
	AIR NEW SOURCE PERMITS	REGISTRATION	75152	
	AIR NEW SOURCE PERMITS	REGISTRATION	76700	
	AIR NEW SOURCE PERMITS	REGISTRATION	70810	
	AIR NEW SOURCE PERMITS	REGISTRATION	77192	
	AIR NEW SOURCE PERMITS	PERMIT	50379	
	AIR NEW SOURCE PERMITS	REGISTRATION	77850	
	AIR NEW SOURCE PERMITS	REGISTRATION	78238	
	AIR NEW SOURCE PERMITS	REGISTRATION	79310	
	AIR NEW SOURCE PERMITS	REGISTRATION	80196	
	AIR NEW SOURCE PERMITS	REGISTRATION	81080	
	AIR NEW SOURCE PERMITS	REGISTRATION	81134	
	AIR NEW SOURCE PERMITS	REGISTRATION	81249	
	WASTEWATER	PERMIT	WQ0000519000	
	WASTEWATER	PERMIT	TPDES0005061	

WASTEWATER	PERMIT	TX0005081
AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0039N
AIR OPERATING PERMITS	PERMIT	1593
AIR OPERATING PERMITS	PERMIT	2294
WASTEWATER LICENSING	LICENSE	WQ0000519000

Location: 11241 IH 10, BEAUMONT, TX, 77713 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: April 04, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 04, 2002 to April 04, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Daniel Siringi Phone: (409) 899-8799

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 03/31/2003 ADMINORDER 2002-0879-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC3A PERMIT

Description: Failure to comply with permitted nitrogen oxide emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
30 TAC Chapter 117, SubChapter B 117.205(f)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Not specified PERMIT

Description: Failure to comply with permitted nitrogen oxide and carbon monoxide emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 60, Subpart Db 60.48b(c)
40 CFR Part 60, Subpart Db 60.48b(e)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Not specified PERMIT

SC13 PERMIT

Description: Failure to record NOx CEMS emissions data.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Not specified PERMIT

SC14C PERMIT

SC14D PERMIT

Description: Failure to perform stack sampling to establish the actual pattern and quantities of air contaminants being emitted into the atmosphere.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to prevent unauthorized emissions from entering the atmosphere.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to prevent unauthorized emissions from entering the atmosphere.

Effective Date: 01/30/2005 ADMINORDER 2004-0393-AIR-E

Classification: Moderate
 Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
 Description: Failure to prevent the emission of an air contaminant that will contribute to air pollution.
 Effective Date: 05/09/2005 ADMINORDER 2004-0802-AIR-E

Classification: Moderate
 Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
 Description: Failure to maintain an emission rate below the allowable emission limit at the 840 Reactor Unit on January 19, 2003.

Classification: Moderate
 Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
 Description: Failure to maintain an emission rate below the allowable emission limit at the Natsyn Unit on February 3, 2003.

Classification: Moderate
 Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
 Description: Failure to maintain an emission rate below the allowable emission limit at the 880 Unit on February 26, 2003.

Classification: Moderate
 Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
 Description: Failure to maintain an emission rate below the allowable emission limit at the 840 Unit on April 15, 2003.

Classification: Moderate
 Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
 Description: Failure to maintain an emission rate below the allowable emission limit at the 880 Budene Unit on May 30, 2003.

Classification: Moderate
 Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
 Description: Failure to maintain an emission rate below the allowable emission limit at the Utilities area on July 14-15, 2003.

Classification: Moderate
 Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
 Description: Failure to maintain an emission rate below the allowable emission limit at the 840 Tiba Tank Farm on October 17, 2003.

Classification: Moderate
 Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
 Description: Failure to maintain an emission rate below the allowable emission limit at the 870 Unit on November 22, 2003.

Classification: Moderate
 Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
 Description: Failure to maintain an emission rate below the allowable emission limit at the Unit 821 Old Loading Rack on August 31, 2003, November 6, 2003, January 7, 2004, and January 25, 2004.

Classification: Moderate
 Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
 Description: Failure to maintain an emission rate below the allowable emission limit at the 840 Unit on February 2, 2004.

Classification: Moderate
 Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
 Description: Failure to maintain an emission rate below the allowable emission limit at the 870 Unit on February 2, 2004.

Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: 9481 PERMIT
 Description: Failure to maintain an emission rate below the allowable emission limit at the Crumb Tank Vent Condenser from January 1, 2002 to February 19, 2003.

Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: 38755 and N016 PERMIT
 Description: Failure to maintain an emission rate below the allowable emission limit at the 850 Unit on March 2, 2003.

Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: 38755 and N016 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit at the 850 Unit on May 31, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter K 106.262(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain an emission rate below the allowable emission limit at the 850 Finishing Building on January 12-13, 2003, April 16-17, 2003, May 4-5, 2003, July 25-31, 2003, and September 19-20, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9481, SC 1 PERMIT
9481, SC 5B PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit at the 840 Budene Unit on October 1, 2003.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to maintain an emission rate below the allowable emission limit at the 870 Unit on October 25, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 38755 and N016 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit at the Budene 850 Unit on December 1, 2003.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to maintain an emission rate below the allowable emission limit at the 840 Budene Unit pipe rack on January 9, 2004.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to maintain an emission rate below the allowable emission limit at the 870 Unit on January 11, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1040, SC 1 PERMIT
1040, SC 3 PERMIT
22110, SC 1 PERMIT
22110, SC 4B PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit at the 870 Unit on February 2-3, 2004.

Effective Date: 10/24/2005

ADMINORDER 2005-0124-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(G)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to obtain a permit prior to the release of emissions.

Effective Date: 01/26/2006

ADMINORDER 2005-0676-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: MAERT OP
MAERT PERMIT

Description: Failed to maintain emission rates below allowable limit and failed to prevent unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(E)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include all required information on the initial report of an emission event

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)
 30 TAC Chapter 101, SubChapter F 101.201(b)(5)
 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include all required information on the final reports for emission events.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(c)
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to properly report to the regional office a maintenance activity which occurred July 6-9, 2004.

Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter U 106.476
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to meet the conditions of a Permit By Rule and prevent unauthorized emissions.

Effective Date: 07/14/2006 ADMINORDER 2005-2074-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to submit initial notification within 24 hours from the discovery date for a reportable emissions event

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 22110, Special Condition 1 PERMIT

Description: Failed to maintain a solenoid on the water valve causing the flare to blow out which caused release of emissions that exceeded permit limits

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(8)(G)
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to maintain visible emissions below the 30 percent opacity limit, for any six-minute period.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	04/04/2002	(141006)
2	04/22/2002	(157871)
3	05/28/2002	(157875)
4	06/24/2002	(157879)
5	07/23/2002	(157883)
6	08/01/2002	(4937)
7	08/01/2002	(5923)
8	08/20/2002	(4138)
9	08/20/2002	(8590)
10	08/22/2002	(6552)
11	08/26/2002	(157887)
12	08/27/2002	(8432)
13	09/23/2002	(157890)
14	10/15/2002	(12553)
15	10/15/2002	(12451)
16	11/21/2002	(16333)
17	11/25/2002	(157896)
18	12/18/2002	(18802)
19	12/18/2002	(18780)
20	12/30/2002	(157900)
21	01/13/2003	(19863)
22	01/13/2003	(19856)
23	01/13/2003	(18807)
24	01/13/2003	(19852)
25	01/27/2003	(157904)
26	02/07/2003	(19387)
27	02/26/2003	(157864)

28	02/26/2003	(157884)
29	03/27/2003	(26346)
30	03/31/2003	(157867)
31	04/21/2003	(157872)
32	05/23/2003	(157876)
33	05/29/2003	(246539)
34	06/26/2003	(157880)
35	08/22/2003	(134113)
36	08/25/2003	(295295)
37	09/22/2003	(295298)
38	10/17/2003	(250603)
39	10/24/2003	(295300)
40	10/31/2003	(253397)
41	11/21/2003	(295301)
42	12/29/2003	(295302)
43	12/29/2003	(258619)
44	12/29/2003	(258630)
45	12/29/2003	(258266)
46	12/30/2003	(258239)
47	12/30/2003	(258248)
48	12/30/2003	(258271)
49	01/07/2004	(259027)
50	01/26/2004	(295303)
51	01/30/2004	(261356)
52	03/01/2004	(295285)
53	03/26/2004	(295287)
54	03/30/2004	(264485)
55	03/30/2004	(264124)
56	04/22/2004	(295288)
57	05/20/2004	(266811)
58	05/25/2004	(295290)
59	05/26/2004	(263609)
60	06/17/2004	(270331)
61	06/22/2004	(272522)
62	06/22/2004	(295292)
63	07/26/2004	(284568)
64	07/26/2004	(284582)
65	07/26/2004	(284587)
66	07/27/2004	(352027)
67	07/30/2004	(284505)
68	08/05/2004	(274526)
69	08/09/2004	(277704)
70	08/09/2004	(277706)
71	08/17/2004	(290283)
72	08/26/2004	(352028)
73	09/20/2004	(352029)
74	10/04/2004	(336372)
75	10/20/2004	(292090)
76	10/20/2004	(352030)
77	10/22/2004	(290284)
78	11/10/2004	(338350)
79	11/22/2004	(290285)
80	11/30/2004	(381823)
81	12/20/2004	(381824)
82	12/27/2004	(344086)
83	01/09/2005	(339077)
84	01/26/2005	(381825)
85	02/24/2005	(345426)
86	02/25/2005	(381821)
87	03/21/2005	(381822)
88	03/23/2005	(351195)
89	03/23/2005	(351073)
90	03/23/2005	(348563)
91	03/23/2005	(351192)
92	03/23/2005	(351066)
93	04/26/2005	(419656)
94	05/03/2005	(379563)
95	05/06/2005	(372977)

96	05/24/2005	(419657)
97	05/31/2005	(393287)
98	05/31/2005	(393084)
99	05/31/2005	(393132)
100	05/31/2005	(392738)
101	06/03/2005	(393156)
102	06/03/2005	(381386)
103	06/03/2005	(393130)
104	06/16/2005	(394991)
105	06/16/2005	(394994)
106	06/21/2005	(419658)
107	07/25/2005	(440796)
108	08/23/2005	(440797)
109	08/30/2005	(401255)
110	08/30/2005	(406535)
111	08/30/2005	(406353)
112	08/31/2005	(337086)
113	09/19/2005	(440798)
114	10/21/2005	(440799)
115	11/15/2005	(436481)
116	11/28/2005	(468360)
117	12/07/2005	(436010)
118	12/12/2005	(434977)
119	12/16/2005	(436674)
120	12/21/2005	(468361)
121	01/27/2006	(468362)
122	02/10/2006	(449822)
123	02/22/2006	(468357)
124	02/28/2006	(455554)
125	02/28/2006	(454886)
126	02/28/2006	(455901)
127	03/13/2006	(468358)
128	03/14/2006	(453724)
129	03/24/2006	(452002)
130	04/17/2006	(468359)
131	05/01/2006	(461205)
132	05/04/2006	(461223)
133	05/04/2006	(461197)
134	05/04/2006	(461228)
135	05/05/2006	(458334)
136	05/05/2006	(461465)
137	05/05/2006	(458422)
138	05/17/2006	(498150)
139	06/19/2006	(498151)
140	06/21/2006	(464306)
141	07/18/2006	(498152)
142	07/31/2006	(489267)
143	08/16/2006	(520161)
144	09/14/2006	(520162)
145	09/15/2006	(520164)
146	10/12/2006	(520163)
147	10/29/2006	(515490)
148	11/10/2006	(544444)
149	11/16/2006	(515476)
150	12/15/2006	(544445)
151	12/20/2006	(533147)
152	12/20/2006	(519278)
153	12/20/2006	(519272)
154	12/22/2006	(532306)
155	01/05/2007	(553665)
156	01/31/2007	(532541)
157	02/13/2007	(544443)
158	03/22/2007	(538478)
159	03/26/2007	(543692)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 04/04/2002 (141006)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(18)
 Description: Failure to submit 9th Report of Progress.
 Date: 07/10/2002 (4138)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260
 30 TAC Chapter 115, SubChapter D 115.352(2)
 Description: Failure to repair nine leaking, fugitive components within fifteen calendar days after they were detected leaking in the 840 and 880 Units.
 Date: 02/28/2003 (157867)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 05/29/2003 (246539)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Date: 06/30/2003 (157884)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 08/22/2003 (134113)
 Self Report? NO Classification: Moderate

Rqmt Prov: OP TPDES 00519-00
 OP TPDES 00519-000
 Description: Failure by Goodyear Beaumont Chemical Plant to prevent the unauthorized discharge of wastewater.
 Self Report? NO Classification: Moderate

Rqmt Prov: OP TPDES 00519-000
 Description: Failure by Goodyear Beaumont Chemical Plant to prevent the discharge of foam and floating solids in other than trace amounts.
 Self Report? NO Classification: Minor

Rqmt Prov: OP TPDES 00519-000
 Description: Failure by Goodyear Beaumont Chemical Plant to ensure that test procedures for the analysis of pollutants comply with procedures specified in 30 TAC 319.11-319.12.
 Self Report? NO Classification: Moderate

Rqmt Prov: OP TPDES 00519-000
 Description: Failure by Goodyear Beaumont Chemical Plant to prevent the unauthorized discharge of wastewater.
 Self Report? NO Classification: Moderate

Rqmt Prov: OP TPDES 00519-000
 OP TPDES Permit 00519-000
 Description: Failure by Goodyear Beaumont Chemical Plant to prevent the unauthorized discharge of wastewater.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: OP TPDES Permit No. 0519-000
 Description: Failure by Beaumont Chemical Plant to prevent the unauthorized discharge of wastewater.
 Date: 05/31/2004 (295292)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 07/31/2004 (352028)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 08/06/2004 (274526)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260
 30 TAC Chapter 116, SubChapter B 116.115(c)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(2)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT 38755 and N016, SC 3

Description:	Failure to perform a first attempt at repair within 5 calendar days.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 113, SubChapter C 113.260 30 TAC Chapter 116, SubChapter B 116.115(c) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1) 5C THC Chapter 382, SubChapter A 382.085(b)	
Rqmt Prov:	PERMIT 38755 and N016, SC 3	
Description:	Failure to properly seal the end of a line containing Hazardous Air Pollutants (HAPs).	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 113, SubChapter C 113.260 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1) 5C THC Chapter 382, SubChapter A 382.085(b)	
Rqmt Prov:	PERMIT 38755 AND N016, SC 3 OP O-02294, SC 1D OP O-02294, SC 9A	
Description:	Failure to properly seal the end of a line containing HAPs.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 113, SubChapter C 113.260 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(d) 5C THC Chapter 382, SubChapter A 382.085(b)	
Rqmt Prov:	PERMIT 38755 and N016, SC 3 PERMIT 38755 and N016, SC 9H OP O-02294, SC 1D OP O-02294, SC 9A	
Description:	Failure to comply with the 5 and 15 day requirements for 3 leaking connectors.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 113, SubChapter C 113.260 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d) 5C THC Chapter 382, SubChapter A 382.085(b)	
Rqmt Prov:	PERMIT 38755 and N016, SC 3 OP O-02294, SC 1D OP O-02294, SC 9A	
Description:	Failure to submit the 40 CFR 63, Subpart U, Periodic Reports in a timely manner.	
Date:	11/30/2004	(381824)
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	02/28/2005	(381822)
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	01/31/2006	(468357)
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	02/10/2006	(449822)
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)	
Rqmt Prov:	OP 2294, General Terms and Conditions OP 2294, Special Term and Condition 1A	
Description:	Failure to complete the daily notation of the flare operation log for at least 98% of the required observations.	
Date:	07/31/2006	(520161)
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	10/31/2006	(544444)
Self Report?	YES	Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 01/05/2007 (553665)
Self Report? NO
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Classification: Moderate

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
THE GOODYEAR TIRE & RUBBER
COMPANY
RN102561925**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2007-0562-AIR-E**

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding The Goodyear Tire & Rubber Company ("Goodyear") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Goodyear appear before the Commission and together stipulate that:

1. Goodyear owns and operates a rubber manufacturing plant at 11241 Interstate Highway 10 in Beaumont, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and Goodyear agree that the Commission has jurisdiction to enter this Agreed Order, and that Goodyear is subject to the Commission's jurisdiction.
4. Goodyear received notice of the violations alleged in Section II ("Allegations") on or about March 31, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Goodyear of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Six Thousand Four Hundred Fifty Dollars (\$6,450) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Goodyear has paid Five Thousand One Hundred Sixty Dollars (\$5,160) of the administrative penalty and One Thousand Two Hundred Ninety Dollars (\$1,290) is deferred contingent upon Goodyear's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Goodyear fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Goodyear to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Goodyear have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Goodyear has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, Goodyear is alleged to have failed to prevent unauthorized emissions of 165.48 pounds ("lbs") of Volatile Organic Compounds ("VOCs") during a four hour twenty minute emissions event which occurred at the 830 Boiler House Process Fugitives ditch on June 9, 2006, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c), 122.143(4), Federal Operating Permit ("FOP") No. 1593, General Terms and Conditions and Special Terms and Condition 12, Air Permit No. 22110, Special Condition 1 and TEXAS HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on March 12, 2007. Since the emissions event was avoidable, Goodyear failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

Goodyear generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Goodyear pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Goodyear's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: The Goodyear Tire & Rubber Company, Docket No. 2007-0562-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that Goodyear shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order, implement measures designed to prevent the recurrence of an emissions event due to causes the same as those associated with the June 9, 2006 event; and
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section, Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

3. The provisions of this Agreed Order shall apply to and be binding upon Goodyear. Goodyear is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If Goodyear fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Goodyear's failure to comply is not a violation of this Agreed Order. Goodyear shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Goodyear shall notify the Executive Director within seven days after Goodyear becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Goodyear shall be made in writing to the Executive Director. Extensions are not effective until Goodyear receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Goodyear in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Goodyear, or three days after the date on which the Commission mails notice of the Order to Goodyear, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

8/27/07
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

6/26/07
Date

Bradley E. Jaeger

Name (Printed or typed)
Authorized Representative of
The Goodyear Tire & Rubber Company

Plant Manager

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

